

REMARKS

Claims 1-38 are pending. The examiner rejected claims 1,7 and 14-38 as described further below, and objected to claims 2-6 and 8-13 as including allowable subject matter but depending from unpatentable independent claims.

Recapture Rejection

The examiner rejected claims 21-28 and 31-38¹ under 35 U.S.C. § 251 for improper recapture. Claims 21-22, 25 and 31 as amended now recite that volume information is included with the disk image. The recapture rejection should therefore now be withdrawn.

Rejection Under 35 U.S.C. § 103(a)

The examiner maintained the rejection of claims 1, 7, 14, 16, 20-25, 29-34, and 36-38 under 35 U.S.C. § 103(a) as obvious in view of the combination of Willman and Whiting. The rejection is traversed. The references have been described at length in earlier papers, and thus are discussed here only in pertinent part.

Claim 1 describes a system that includes a controller for creating a disk image of a physical storage volume (the source device). The controller then stores the disk image on a storage device accessible to a plurality of target computers. The disk image is a virtual representation of the physical storage volume, and can be mounted at each of the target computers. A disk image driver at each of the target computers enables the target computers to read files having different formats and located within the mounted disk image.

Claim 1 describes a controller that creates a disk image – not a physical storage volume – mountable by each of a plurality of target computers. Willman does not teach or suggest such a controller.

The examiner responds that “Willman is not relied upon for the teaching of a ‘disk image,’” and that “Willman discloses a system which acts upon and ‘mounts’ virtual representations of a physical storage device” (Office Action, Page 3). The examiner offers as support for that statement the text at col. 3, line 67 – col. 4, line 1 of Willman, which notes that partitions of a hard disk can be formatted for a number of file systems. In fact, Willman says nothing about mounting a “virtual representation” of a physical storage device. That a physical hard disk drive can be multiply partitioned provides no evidence to the contrary. Willman certainly describes mounting physical storage devices, but does not describe mounting virtual representations of physical storage devices or, as the examiner acknowledges, disk images. The first limitation of claim 1, a controller for creating a disk image of the source device, is thus not found in Willman. It follows that Willman also does not

¹ On Page 4 of the office action, the examiner indicates claims 21-38 are rejected based on improper recapture. However, the examiner subsequently notes on page 5 that claims 29 and 30 are not subject to this rejection.

disclose the second limitation, “a disk image driver at each of said plurality of target computers having access to file format information which enables said target computers to read files, which exhibit different file formats, contained on said disk image.”

Whiting describes a system that allows a user to use compressed data files as though they were uncompressed (Whiting, col. 1, liens 6-12). The operating system assigns a drive letter to a compression device driver as well as to a disk drive. After a swapping of parameters by the operating system, the user can then transparently accesses the compressed data files. The “Compressed Image Data File” identified by the examiner in Whiting is not a disk image—it is a compressed set of files taken from one partition and stored in a compressed manner on another partition. It does not, for example, include “volume format information that reflects the format of said physical storage volume,” as claimed. The examiner in fact noted this contrary teaching, writing that “Whiting explicitly indicates that his ‘disk image’ provides the added benefit of reducing the amount of physical storage required.”

Accordingly, the combination of Willman and Whiting fails to teach the features of claim 1. Neither reference, alone or in combination, discloses the controller of claim 1 or the disk image driver of claim 1. The claim is therefore patentable over the cited references and the rejection should be withdrawn.

Independent claims 16, 21, 22, 25, 29, 30 and 31 are also patentable over the combination of Willman and Whiting for at least the same reasons as claim 1. Dependent claims 7, 14-20, 23-24, 26-28 and 32-38 are also patentable over the cited references, as each recites its own patentable features as well as depending from a patentable independent claim.

If any matters remain outstanding prior to allowance, please do not hesitate to contact the attorney signing below.

Respectfully submitted,

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